

REMARKS

Claims 2 and 12 have been canceled. New Claims 22 and 23 have been added. Thus, Claims 1, 3-11 and 13-23 remain pending in this application. Claims 1, 6, 8, 11, 16 and 18 have been amended.

I. REJECTIONS UNDER 35 U.S.C. § 102

Claims 1 and 11 stand rejected under 35 USC 102(c) as being anticipated by *Narayanan* (U.S. Patent Number 7,346,771). Applicant respectfully submits that these rejections are overcome in light of the above amendments.

As the Examiner is aware, a cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Claim 1, as amended, states in-part, “means for anonymously advertising availability information indicating real-time availability of the plurality of resources of said first network and real-time availability of the plurality of resources of said second network between said first network and said second network” (emphasis added). Support for these amendments can be found at least on pages 13-14 and pages 23-24 of the present application. Similar features can also be found in amended Claim 11. Applicant submits that the above features are not disclosed in *Narayanan*.

Thus, *Narayanan* does not teach, within its four corners, each and every element of, in the detail of, Claims 1 and 11 of the present invention and should be withdrawn as a reference under 35 U.S.C §102. As a result, the § 102 rejections of Claims 1 and 11 are overcome, and

withdrawal of those rejections is respectfully requested. Therefore, Applicant submits that Claims 1 and 11 are in condition for allowance.

II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 2 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Narayanan* in view of *Xu et al.*, (U.S. Patent Application Publication No. 2004/0085912), and Claims 3-10 and 13-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Narayanan* in view of *Ramstrom et al.*, (U.S. Patent No. 5,960,004). Applicant respectfully submits that these rejections are overcome in light of the above amendments.

As the Examiner is aware, a *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2142.

Claims 2-10 and 12-21 are dependent claims that include the same exemplary features described above with respect to Claims 1 and 11. *Xu* and *Ramstrom* fail to remedy the above-described deficiencies of *Narayanan* with respect to Claims 1 and 11 in that none of the references teaches or suggests “anonymously advertising availability information”. Accordingly, the § 103 rejections of Claims 2-10 and 12-21 are overcome for at least the same exemplary reasons given above with respect to the rejections of Claims 1 and 11.

In addition, Applicant notes that amended dependent Claims 6 and 16 recite: “calculating cost information *in real-time* for use of the additional resources for the inter-provider IP service prior to provisioning the inter-provider IP service; and comparing the cost information to cost requirement information associated with the request to determine whether to utilize the additional resources for the inter-provider IP service” (emphasis added). Applicant respectfully submits that the above features are not taught or suggested by the combination of any of the above references.

As demonstrated above, the § 103 rejections of Claims 2-10 and 12-21 are overcome, and withdrawal of those rejections is respectfully requested. Therefore, Applicant submits that Claims 2-10 and 12-21 are in condition for allowance.

CONCLUSION

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact the undersigned at the number indicated below.

Respectfully submitted,

AYMAN ESAN NASSAR

Dated: August 28, 2008

/Holly L. Rudnick/

Holly L. Rudnick

Reg. No. 43,065

Garlick, Harrison & Markison
P.O. Box 160727
Austin, Texas 78716-0727
(Direct) (214) 387-8097
(Fax) (214) 387-7949
(Email) hrudnick@texaspatents.com